REMARKS

The Pending Claims

Claims 32-75 have been canceled without prejudice or disclaimer of the subject matter recited therein. Thus, claims 23-31 currently are pending in the application.

Summary of the Office Action

The Office Action rejects claims 23-24, 26, 29, and 30 under 35 U.S.C. § 102(b) as allegedly anticipated by the research report entitled "Comparison Study of Polymer Research Finish to a Conventional Resin System: A Laundering Study" (Farias et al.) (hereinafter "the Farias report"). The Office Action also rejects claims 32-35, 38-46, 48-51, 53-65, and 67-75 as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly unpatentable over the Farias report. The Office Action also rejects claims 25, 27, 28, 36, 37, 47, 52, and 66 as allegedly unpatentable over the Farias report.

The Office Action rejects claims 23-24, 26, and 30 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 3,634,126 (Cain et al.) (hereinafter "the Cain '126 patent").

The Office Action rejects claims 30 and 31 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 3,811,834 (Schwemmer et al.) (hereinafter "the Schwemmer '834 patent").

Discussion of the Rejections over the Farias Report

As noted above, the Office Action rejects claims 23-30 as allegedly anticipated by or obvious over the Farias report. Applicants respectfully traverse this rejection.

While the Farias report does state that the "optimum resin/softener system may require the application of the resin to one side of the fabric (back) and the application of softener/lubricant(s) to the opposite side (face) of the fabric," Applicant respectfully submits that the Farias report does not constitute a proper anticipatory disclosure of the claimed invention because the Farias report does not enable such an invention. As is well settled, "[t]he disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced

without undue experimentation." MPEP § 2121.01; *see also*, *Elan Pharm., Inc. v. Mayo Foundation for Medical and Educational Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003).

Thus, while the Farias report suggests applying a resin to one side of the fabric and the softener/lubricant(s) to the other side, nothing within the Farias report teaches or suggest a manner of applying the two in such a way that they will be substantially isolated on the side to which they are applied. Indeed, the Farias report discloses the application of the finishes to the fabric by dipping the garment into a bath containing both the resin and the softener/lubricant(s) and then tumble drying the garment (see, for example, the Farias report at page 4). Thus, both sides of the fabric would be exposed to and pick up both the resin and the softener/lubricants. Any garment produced by such a method would, therefore, have both the resin and the softener/lubricant(s) on both sides of the fabric. Applicants acknowledge that the Farias report does suggest that the orientation (i.e., right side out or inside out) of the garment during tumble drying would localize the resin/softener system on a particular side of the garment. However, as is clear from the Farias report, such localization, to the extent that it is even achieved, would be of the combination of the resin and the softener/lubricant(s), not a localization of each component to opposite surfaces.

Moreover, the Office Action does not appear to point to any teaching or suggestion that would have motivated one of ordinary skill in the art to modify the process disclosed in the Farias report in such a way as to arrive at the invention defined by the pending claims. In particular, the Office Action does not point to any teaching within another prior art reference or to some knowledge generally available to those of ordinary skill in the art to show how the artisan would have taken the Farias report's isolated statement and produce a fabric having a softener and a resin isolated on its respective faces. Indeed, the fact that Applicants have been granted a patent on a process for producing such a fabric (U.S. Patent No. 6,861,093, which is a division of the present application) appears to suggest that the knowledge required to so modify the Farias report was not available to those of ordinary skill in the art prior to the filing date of the present application. Thus, Applicants respectfully submit that the Office Action has failed to demonstrate that the Farias report is an enabling reference or that those of ordinary skill in the art would have been motivated to modify the Farias report in such a way as to arrive at the invention defined by the pending claims.

In view of the foregoing, Applicants respectfully submit that the invention defined by the pending claims cannot properly be considered anticipated by or obvious over the Farias report. The section 102 and 103 rejections of the pending claims over the Farias report, therefore, should be withdrawn.

Discussion of the Section 102 Rejection over the Cain '126 Patent

The Office Action also rejects claims 23-24, 26, and 30 as allegedly anticipated by the Cain '126 patent. Applicants respectfully traverse this rejection.

The Cain '126 patent is directed to a process for simultaneously and preferentially depositing a composition on a particular side of two fabrics. The Cain '126 patent provides that, after the two fabrics have been dried in accordance with the process described therein (i.e., placed in contact so that one side of each fabric contact a side of the other fabric), the composition with which the fabrics have been coated becomes "concentrated at or near the exposed surfaces of the two fabrics" (see, e.g., the abstract of the Cain '126 patent). However, Applicants respectfully submit that such "concentration" does not equate to the substantial isolation recited in the pending claims. For example, Applicants note that the Cain '126 patent describes a process in which each fabric is impregnated with a composition, thus exposing the entire fabric (including both faces or sides of the fabric) to the composition and all that it contains. Thus, while the subsequent drying of the fabric described in the Cain '126 patent may "concentrate" the composition at or near the exposed surface of the fabric, one of ordinary skill in the art would not reasonably expect that the process would have resulted in the removal of the composition from the unexposed side, thereby leading to an isolation of the composition on one side of the fabric. Rather, as appears to be clear from the Cain '126 patent, the process described therein does not results in the substantial isolation of the composition to one side of the fabric, but merely achieves a greater concentration of the composition on one side of the fabric as compared to the concentration that would have been achieved using conventional drying techniques.

In view of the foregoing, Applicants respectfully submit that the invention defined by the pending claims cannot properly be considered anticipated by the Cain '126 patent. In particular, Applicants submit that the fabrics described in the Cain '126 patent do not have a composition substantially isolated on one side of the

fabric, much less two compositions substantially isolated on opposite sides of the fabric. Therefore, the section 102 rejection should be withdrawn.

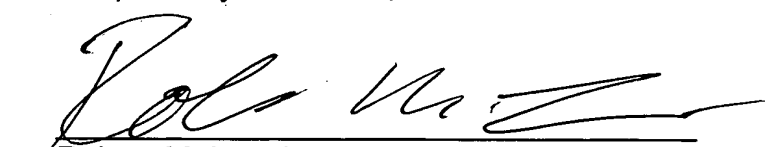
Discussion of the Section 103 Rejection over the Schwemmer '834 Patent

The Office Action also rejects claims 30 and 31 as allegedly unpatentable over the Schwemmer '834 patent. However, the Schwemmer '834 patent specifically provides that "[i]t is to be recognized that this invention is not concerned with a method contemplating application of the finishing agent to only one side of the textile material wherein applied finishing agent is intended to remain as extensively as possible at the surface of such textile material" (the Schwemmer '834 patent at col. 1, lines 28-32). Indeed, the Schwemmer '834 patent further provides that "the textile material is imbued as uniformly as possible at all locations thereof with the finishing bath" (the Schwemmer '834 patent at col. 1, lines 25-28). Thus, Applicants respectfully submit that the subject matter of claims 30 and 31 cannot properly be considered obvious over the Schwemmer '834 patent because the reference specifically teaches away from a fabric having a resin substantially isolated on one of its surfaces. The section 103 rejection of claims 30 and 31 over the Schwemmer '834 patent, therefore, should be withdrawn.

Conclusion

In view of the foregoing, the application is considered in proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone interview would expedite prosecution of the instant application, the Examiner is invited to call the undersigned.

Respectfully submitted,



Robert M. Lanning
Reg. No. 57,121
MILLIKEN & COMPANY, M-495
P.O. Box 1926
Spartanburg, SC 29304
Telephone: (864) 503-1537
Facsimile: (864) 503-1999

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